



**whatcom council of governments**

# **Title VI Plan State Fiscal Year 2020 Annual Report**

July 31, 2020



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August 17, 2020

Bob Wilson, Exec. Director  
Whatcom Council of Governments  
314 E Champion St,  
Bellingham, WA 98225

Dear Mr. Wilson:

RE: Title VI Annual Report

WSDOT approves the annual report ending June 2020. It should be accessible to the public and added to your website. The next report is **Nov. 1, 2021** for period July 2020 through Sept. 2021. This will align future annual reports with our new reporting schedules.

As WSDOT reviewed the report for its adherence with Title VI of the Civil Rights Act of 1964 and related federal regulations, the following are suggestion/comments for the next report.

- Congrats on WCOG developing a LEP plan and beginning to include the Ukrainian and Spanish communities in outreach efforts. Include examples of outreach used and data for identifying the languages needed.
- Title VI applies to *all phases* of all transportation-related contracts/agreements *whether federally funded or not*. Do all contract/agreements include the Standard Assurances, USDOT 1050.2A? How does WCOG monitor the contractor/consultant for Title VI compliance?

Guidelines for Title VI requirements are contained in [Chapter 28](#) of WSDOT's Local Agency Guidelines (LAG) Manual. WSDOT is updating the LAG Manual, with publication of a new Chapter 28 expected this month. New detailed guidance on language services and environmental justice is included. Watch Local Programs LTAP for the training schedule and registration details. We recommend at least two employees with Title VI responsibilities attend.

WSDOT is committed to providing any assistance you may need with your Title VI Program. For assistance, please contact me at 206-440-4778 or at [TitleVI@wsdot.wa.gov](mailto:TitleVI@wsdot.wa.gov) .

Sincerely,

/s/Gretchen Gleue  
Title VI Local Agency Compliance Lead  
WSDOT – Office of Equal Opportunity

**Whatcom Council of Governments**  
 Title VI Annual Report  
 Period: State Fiscal Year 2020 (July 1, 2019 – June 30, 2020)  
 Submitted: July 31, 2020

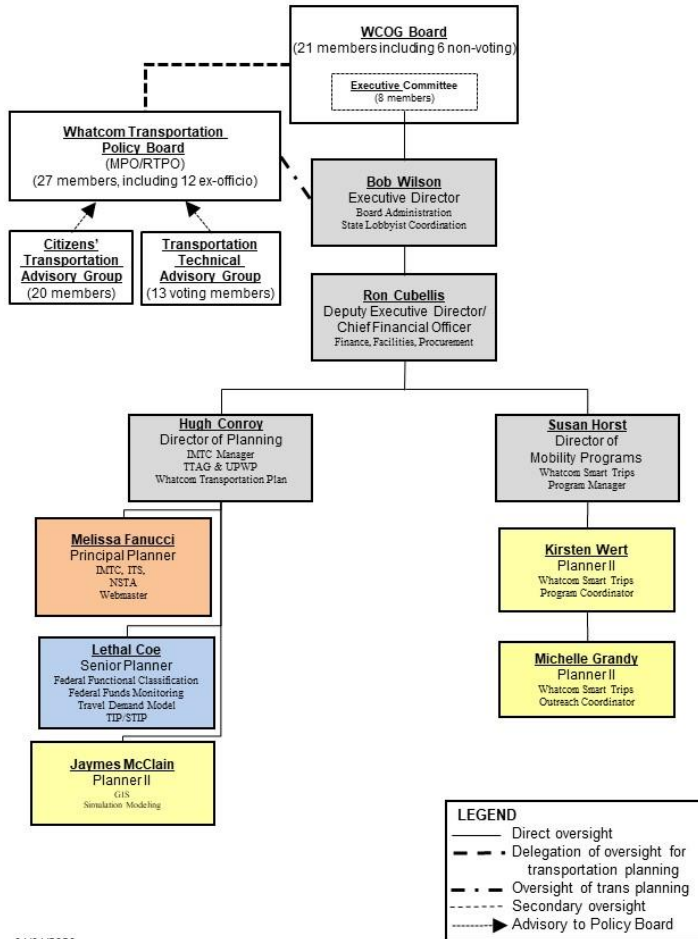
**I. Title VI Plan**

The Whatcom Council of Governments' Combined Title VI & Limited English Proficiency Plan was adopted on December 11, 2019. The Plan shall be in effect until December 10, 2022.

**2. Organization, Staffing, Structure**

Robert H. Wilson, Executive Director, serves as WCOG's Title VI Coordinator. He is assisted by Deputy Executive Director Ron Cubellis and Director of Planning Hugh Conroy.

**Whatcom Council of Governments  
 2020 Organizational Structure**



01/01/2020

### 3. Complaints

No complaints were received during Washington State Fiscal Year 2020.

### 4. Planning: Accomplishment Report and Update

#### A. Monitoring and Review Process:

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- Describe the planning activities that are performed by the Regional Council.

WCOG has one committee and two advisory groups to that committee that are central to the regional transportation planning process: the Whatcom Transportation Policy Board (“the Policy Board”), the Transportation Technical Advisory Group (TTAG), and the Citizens’ Transportation Advisory Group (CTAG).

The Policy Board – a standing committee of WCOG – is the federally-recognized “metropolitan planning organization” for the Bellingham Urbanized Area, and the state-designated “regional transportation planning organization” for Whatcom County. Its fifteen voting members are drawn from Whatcom County, each of the seven cities, the Lummi Nation, the Port of Bellingham, WSDOT and the Whatcom Transportation Authority (WTA). Additionally, the Policy Board has twelve ex-officio members, including all six members of the region’s State Legislative delegation (from the 40<sup>th</sup> and 42<sup>nd</sup> districts). The Policy Board’s primary purpose is to achieve intergovernmental coordination in developing policies and programs of mutual benefit to its member jurisdictions concerning transportation and to establish funding priorities, which are facilitated through its adoption of the regional, long-range transportation plan and the regional Transportation Improvement Program. It meets six times a year.

TTAG is composed of transportation staff members from Whatcom County, the seven cities, the Lummi Nation, the Port, WTA and WSDOT. TTAG meets monthly to provide technical input to WCOG staff on regional transportation planning issues, to convey the concerns and recommendations of the jurisdictions or agencies they represent, and to make recommendations on proposed actions of the Policy Board.

CTAG comprises private citizens, i.e., residents of the region who are neither elected officials nor employed by any of WCOG’s member entities, to facilitate ongoing community input into the regional transportation planning process as a means of informing the decision-making of the Policy Board. CTAG also serves as WTA’s Community Advisory Panel. It meets about four times a year.

- Describe the actions taken to promote Title VI compliance regarding planning activities, including monitoring and review processes, and their outcomes or status.

In the fall of 2019, the Executive Director undertook a thorough review of the existing Title VI Plan and WCOG’s Limited English Proficiency Plan. The result was WCOG’s *Combined Title VI and Limited English Proficiency Plan*, which was unanimously adopted by WCOG’s Council Board in December, 2019. This plan identified the Executive Director as WCOG’s Title VI Compliance Officer; established a designated e-mail address – [espanol@wcog.org](mailto:espanol@wcog.org) – to facilitate general inquiries or Title VI complaints by the region’s Spanish-speaking community, and; included a newly-translated Spanish-language Title VI Discrimination Complaint Form.

WCOG's Title VI Notice to the Public in both Spanish and English was mounted on the wall of the lobby and is included in all meeting packets.

An on-call arrangement was established with Salud Translation Services of Bellingham, Washington, for Spanish interpretation when needed. The Title VI Coordinator also identified translators in the event a request is made for Punjabi, Russian or Ukrainian interpretation.

The Whatcom Council of Governments website ([www.wcog.org](http://www.wcog.org)) has a translator tool.

The following brochures are available in Spanish and Ukrainian:

- Whatcom Smart Trips Program Brochure
- 7<sup>th</sup> Grade Bus Pass Trip Planner  
[https://www.whatcomsmarttrips.org/employers/employer\\_services](https://www.whatcomsmarttrips.org/employers/employer_services)
- Confident City Cycling  
[https://www.whatcomsmarttrips.org/employers/employer\\_services](https://www.whatcomsmarttrips.org/employers/employer_services)

## **B. Studies**

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- *Were any studies conducted during the reporting period that provided data relative to minority persons, neighborhoods, income levels, physical environments, and/or travel habits?*
- *If so, what type of assistance was provided to ensure that Title VI considerations were included in planning the studies?*

No studies providing data relative to the region's minority community were conducted during the reporting period.

## **C. Draft TIPs**

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The draft 2020 Transportation Improvement Program (TIP) was released for public comment during the reporting period. Notification of the availability of the draft TIP was posted on the WCOG website and in the local newspaper of record, *The Bellingham Herald*. A public hearing was held in October 2019; no public comment was received.

## **D. Other Public Hearings**

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Six other public hearings were held throughout the reporting period. Notices of the public hearings were posted in *The Bellingham Herald*. No Title VI-related concerns were raised at any of the public hearings.

## **E. Upcoming Year**

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WCOG anticipates carrying out the 7<sup>th</sup> Grade Bus Pass program in March 2021, assuming doing so will be permissible and practicable given the current limitations imposed by the COVID-19 pandemic. If the program is implemented in the spring, the assessment form will again be offered in Spanish and Ukrainian.

## 5. Environmental Affairs: Accomplishment Report and Update

### A. Monitoring and Review Process

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WCOG is not involved in Environmental Affairs.

### B. Staff Responsible for Environmental Affairs

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Not applicable

### C. Environmental Impact Statements (EIS)

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No EISs were conducted during the reporting period.

### D. Upcoming Year

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Nothing planned at this time.

## 6. Consultant Contracts: Accomplishment Report and Update

### A. Monitoring and Review Process

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- Briefly describe the process for issuing RFPs and soliciting consultants.

WCOG uses the process described in WSDOT's *Local Agency Guidelines*, Chapter 31 ("Using Consultants") when issuing RFPs and soliciting consultants. Refer to this link for further details: <https://www.wsdot.wa.gov/publications/manuals/fulltext/M36-63/Lag31.pdf>

- Describe the actions taken to promote consultants' compliance with Title VI, including monitoring and review processes, and their outcomes or status. (I.e. are Title VI requirements included in all contracts and consultant agreements; were contractors and consultants annually reviewed to ensure compliance; are Title VI issues explained to contractors and consultants?)

Consultants retained by WCOG are expressly required to comply with all pertinent provisions of Title VI and WCOG's *Combined Title VI and Limited English Proficiency Plan*.

### B. Consultant Contracts

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Eight consultant contracts were in effect during the reporting period; the dollar values of those contracts were:

- \$2,990
- \$4,320
- \$12,960
- \$15,000
- \$22,758
- \$44,280
- \$150,000
- \$284,000.

### C. Upcoming Year

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Five of the contracts referenced in the previous section (highlighted) have tasks and funds remaining and are continuing in SFY 2021. No additional consultant contracts are anticipated at this time.

## 7. Education & Training: Accomplishment Report and Update

### A. Monitoring and Review Process

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Education and training opportunities are equally available to all employees, assuming they are pertinent to the employee's job responsibilities. A log of employee education and training is kept and reviewed annually.

### B. Staff Responsible for Coordinating Training

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- Identify staff by job title, ethnicity, and sex responsible for selecting which employees receive training.

Title	Ethnicity	Gender
Executive Director	White	Male

### C. Complaints

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No complaints were received in SFY 2020.

### D. NHI Training

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Planner II Jaymes McClain participated in two NHI web-based courses on performance-based planning (FHWA-NHI-138005 & FHWA-NHI-138016).

### E. Title VI Training

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No Title VI training was taken by WCOG staff in SFY 2020.

### F. Upcoming Year:

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According to the National Highway Institute and National Transit Institute websites, no Title VI or civil rights training sessions are indicated as being offered through June of 2021. The Title VI Coordinator will check those websites periodically to see if sessions have been scheduled and also explore possible offerings from other providers.

**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination**

**Assurances**

**DOT Order No. 1050.2A**

The Whatcom Council of Governments (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Washington State Department of Transportation, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:



1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) projects and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Whatcom Council of Governments, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Whatcom Council of Governments also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Whatcom Council of Governments' access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Whatcom Council of Governments. You must keep records, reports, and submit the material for review upon request to the Whatcom Council of Governments, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Whatcom Council of Governments gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA and FTA. This ASSURANCE is binding on the State of Washington, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FHWA and FTA programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Whatcom Council of Governments**

by   
Robert H. Wilson, Executive Director

DATED July 31, 2020

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

**APPENDIX B – (NOT APPLICABLE)**

**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Whatcom Council of Governments will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **(Name of Appropriate Program)**, and the policies and procedures prescribed by the **(Title of Modal Operating Administration)** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **(Title of Recipient)** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

**(HABENDUM CLAUSE)**

**TO HAVE AND TO HOLD** said lands and interests therein unto **(Title of Recipient)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **(Title of Recipient)**, its successors and assigns.

The **(Title of Recipient)**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **(Title of Recipient)** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

**APPENDIX C – (NOT APPLICABLE)**

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY,  
FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **(Title of Recipient)** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **(Title of Recipient)** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **(Title of Recipient)** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

**APPENDIX D – (NOT APPLICABLE)**

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY,  
FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by **(Title of Recipient)** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will there upon revert to and vest in and become the absolute property of **(Title of Recipient)** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).